

CITY COUNCIL MEETING
August 7, 1991

LODI CHRISTIAN COMMUNITY
CONCERNS OPPOSES AB 101

CC-28

Mr. Ken Owen, Director, Lodi Christian Community Concerns addressed the City Council speaking in opposition to Assembly Bill 101 and asking that the City Council take a position of opposition to the subject bill. The City Clerk was directed to place this matter on the August 21, 1991 agenda for City Council consideration.

City of Lancaster

44933 North Fern Avenue
Lancaster, California 93534
805-723-6000



May 7, 1991

Honorable Pete Wilson
Governor
State of California
State Capitol, First Floor
Sacramento, CA 95814

Rev. Henry W. Hearns
Mayor
Wm. G. Purvis
Vice Mayor
Arnie Rodio
Councilman
George Lee Root
Councilman
George S. Thompson
Councilman
Harold L. Schilling
City Manager

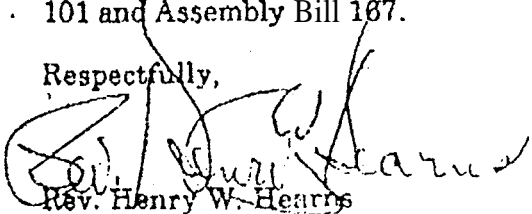
Dear Governor Wilson:

Two bills, Assembly Bill 101 and Assembly Bill 167, are presently working their way through the legislative process and are expected to soon appear on your desk. We would urge you to veto these bills because we sincerely believe that the changes in law they propose threaten the traditional family unit and traditional family values.

The traditional family is and has been the foundation of our society. We fear that the extension of extraordinary privileges to behavior-based groups, as these two measures propose, poses an unacceptable threat to the traditional family unit and traditional family values. The housing privileges proposed to be extended under Assembly Bill 101 exceed the protections afforded families with children! Legitimizing marriages between and among members of the same sex is a concept alien to those who embrace traditional family values.

In support of traditional family values, on May 6, 1991, the Lancaster City Council voted unanimously to express its vigorous opposition to Assembly Bill 101 and Assembly Bill 167. Because of the expected negative affects these measures will have on the family, we urge you to veto Assembly Bill 101 and Assembly Bill 167.

Respectfully,


Rev. Henry W. Hearns
Mayor

Christian Community Concerns

August 6, 1991

Council Member Randy Snider
P.O. Box 3006
Lodi, CA 95241

Dear Mr. Snider:

AB 101, the hanosexual bill, is steamrolling through the stete legislature and **is** gaining momentum very fast.

Enclosed is some information on the bill to bring you up-to-date **as to** the **status** of this bill, and the implications to the churches if this bill **becomes** law.

AB 101 passed the State Assembly on June **28**, and is **now** on **the** Senate Side. It passed the Senate Judiciary Committee several weeks **ago** and next **will** be heard in The Senate Appropriations Committee probably on August 19. **If** it passes there it **will** go for a vote on the Senate Floor and then to the Governor's desk **for** signature.

Regardless **of** how **a** person feels towards the homosexual community, this is a bad law. There is absolutely no compelling reason why **we** need **AB 101**, except to advance the real agenda **of** the hanosexual community, which is to force straight America to accept their deviant life style.

Our churches, and the Christian community at large are very concerned, and are watching very closely the activity surrounding this bill.

As the director of Christian Community Concerns I am asking that you as **our** city council stand with us in opposing this bill.

Last year, on October **17**, the City Council took a position to support the Alcohol Industry **by** opposing proposition **134**, and supporting proposition **126**, the alcohol tax initiatives, because they felt it would be harmful to the Lodi Wine Industry,

AB 101, if passed, would be equally harmful to the churches. I would hope that you **would** recognize the **serious** implications this bill will pose, and join with us in opposing it.

Thank-you very **much** for **your** Consideration.

Sincerely,



Ken Owen
Director



Traditional Values Coalition

CHAIRMAN
Rev. Louis P. Sheldon

March 27, 1991

Assemblyman Terry Friedman
Chairman, Assembly Labor and Employment Committee
State Capitol
Sacramento, CA 95814

RE: Opposition to AB 101

Dear Assemblyman Friedman:

The Traditional Values Coalition opposes AB 101 because it, along with its companion bill AB 167 (same sex marriages), seeks to fulfill the real homosexual agenda -- use the power of the state to gain full acceptance of the homosexual lifestyle and garner special recognition and privileges.

Numerous historic statements, such as the Bill of Rights and the 14th Amendment of our Constitution, grant civil liberties and equal rights to ALL Americans. For a few special groups, Civil Rights laws have been devised to redress legitimate and substantial discrimination related injuries not addressed by existing law. Though such laws are powerful and coercive, they currently have the broad support of the public, legislatures, and courts because the groups having access to them have, after years of evidence gathering and public debate, been carefully chosen.

To be among those receiving protection, a group must be identified as a "discrete and insular minority" (Chief Justice Stone, U.S. Supreme Court, 1938). AB 101 would raise homosexuality to the same legal and protected status as true insular and discreet minorities. It would take away resources from serious legitimate civil rights cases which would thereby do a significant dis-service to those seeking remedy from true racial and religious discrimination.

To be considered for special protection, a class of individuals must meet ALL of the following criteria: exhibit obvious, immutable, or distinguishing characteristics that define them as a discrete group; show that they are a minority or politically powerless; have as a class of individuals, endured substantial injury. Alternatively, the individual or group could demonstrate that the statutory classification at issue burdens a fundamental right.

The following includes some of the rationale federal courts have cited when refusing to grant homosexuals special recognition and privileges:

1) Homosexuality is not an immutable characteristic; it is behavioral. Hence, it is fundamentally different from traits such as race, gender, or alienage, which define existing minority groups.

2) The homosexual community does have political power. Many elected public officials are openly homosexual, their political action committees raise millions of dollars and their political lobbyists influence congress and state legislatures,

3) ~~The~~ homosexual community has not endured substantial injury. There is no evidence that homosexuals encounter the kind of systematic, arbitrary, and irrational discrimination many ethnic groups endured for years. ~~The~~ atrocities which led up to the 1964 Civil Rights Act simply do not exist today against homosexuals. There are no separate restaurants, drinking fountains or restrooms for homosexuals.

The U.S. Supreme Court ruled in Bowers v Hardwick, 1986 that homosexual behavior is not a fundamental right protected by the Constitution. In that decision the Court stated that to protect homosexual sodomy would require the eventual protection of other deviant sexual behaviors such as incest. The Court said, "We are unwilling to travel down that road." People's intuition, that giving special recognition and privileges to homosexuals is the first step in a much larger agenda, is in fact backed up by the highest court in the land,

Homosexuality is a matter of choice. Research by Masters and Johnson, Dr. John Money of Johns Hopkins School of Medicine, Dr. Charles Socarides of the Albert Einstein College of Medicine and Dr. George Rekers of University of South Carolina shows that homosexuality is based on environmental factors. This is a fact which even the homosexual LIFE Lobby cannot refute; nor can it conclusively demonstrate that homosexuality is genetic. Realizing this and the negative political ramifications associated with it, the LIFE Lobby dismisses the issue of "choice of behavior" as irrelevant,

Much of our current legislation, school curriculum and government programs regarding homosexuality depends upon scientifically inaccurate and fraudulent data. Many studies prove this point. Kinsey, Sex and Fraud, by Drs. Reisman and Eichel, show that the Kinsey Study of 1948, upon which some conclusions about homosexuality are based, is fraudulent.

The oft-quoted figure of a 10% homosexual population is one of the inaccurate conclusions. The University of Chicago's

National Opinion Research Corporation (NORC) has shown that the homosexual population is actually less than 1% of the overall population. Moreover, because homosexuality is caused by environmental factors such as rape, molestation, dysfunctional families, etc., the number of homosexuals in society is not a consistent percentage of the population.

- - - Furthermore, initial analysis of data from several studies and state run departments shows that complaints of discrimination based on sexual orientation were small in number; even fewer were proved.

In summary, there is no compelling need for AB 101. Nor are there compelling arguments that justify legislating minority status to homosexual behavior or sanctioning the legitimacy of the true homosexual agenda.

Sincerely,

Rev. Louis P. Sheldon
Chairman

LPS/sr

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Traditional Values Coalition

CHAIRMAN
Rev. Louis P. Sheldon

AB 101 FACT SHEET

AB 101:

- * Amends the Fair Employment and Housing Act:
 - adds "sexual orientation" to the list of specially protected minority classifications that cannot be considered for housing and employment purposes.
- * Raises homosexuality to full status as a protected civil right:
 - Removes heterosexuality from center stage as the norm and consensus for society.
 - Provides homosexuals special minority rights based solely upon their choice of sexual behavior.
- * Forces religious institutions and charitable organizations to employ homosexuals and bisexuals:
 - Applies to all non-sectarian staff. (Does not apply to **clergy**.)
 - Includes all paid and volunteer positions.
- * Does not let a person who rents out a home or room(s) refuse housing to an applicant because he/she is a homosexual.
- * Diverts scarce resources from legitimate minorities and serious civil rights cases.

Arguments in Opposition To AB 101:

- * There is no compelling need for the bill:
 - Homosexuals already enjoy the same legal rights as other Americans do. [Enumerated in the Bill of Rights and the Constitution.]
 - State documented data confirm this lack of need:
 - a. State Personnel Board (SPB) data taken between 1986 and 1989 show that out of 4,200 total complaints, legitimate discrimination complaints based on sexual orientation amounted to only .29% of all SPB complaints.

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b. Department of Fair Employment and Housing (DFEH) data taken between 1987 and 1990 show that out of 30,900 total complaints, legitimate discrimination based upon sexual orientation amounted to .032% of all DFEH complaints.

- * Homosexuals do not qualify as legal minorities:
 - The Supreme Court ruled that to be protected as a "discrete and insular" minority, a group must exhibit immutable characteristics, be politically powerless, and have endured substantial injury.
 - Homosexuality is not an immutable characteristic, it is a behavioral choice.
 - The homosexual community has considerable political power.
 - The homosexual community has not endured substantial injury--there are no separate restaurants, restrooms or drinking fountains for homosexuals.
- * Homosexual behavior is not a fundamental right:
 - The Supreme Court ruled in Bowers v Hardwicke, 1986, that homosexual behavior is not a fundamental right protected by the Constitution.
- * It is unfair and insulting to those minorities whose status is valid, permanent and irreversible.
- * Homosexuality is a matter of choice:
 - Science generally agrees that homosexuality is based upon familial and environmental factors rather than genetics.
 - No homosexual gene has ever been identified.
 - It is a decision not a destiny.
 - There are recovered homosexuals; are there likewise recovered blacks, hispanics, etc..
- * At most, only 3% of the population is homosexual.
 - National Opinion Research Corporation, a University of Chicago group which develops statistics for the U.S. government, shows that less than 1% of the population is homosexual.
 - Center for Disease Control studies estimate that maybe 3% of the population is homosexual.
- * It is a direct assault on the traditional family and the heterosexual ethic.

* It takes away the legal and moral rights of others:

- Forces people to comply with the state's determination that homosexuality is a legitimate and protected behavior,
- Restricts a person's religious rights and moral conscience.

* Homosexuality is a risk to the public health:

- Homosexuals claim their lifestyle is a healthy and viable alternative to heterosexuality, but can this be true when we consider that homosexual men account for:

- a. 80% of all California AIDS cases,
- b. 50% of all U.S. cases of syphilis, gonorrhea of the throat and intestinal infections,
- c. a rate of hepatitis B infection 20-50 times greater than heterosexuals.

* Homosexuality often leads to other deviant sexual behaviors such as pedophilia or bestiality.

* In the future, "sexual orientation" can be expanded to include pedophilia, bestiality, sado-masochism and cross-generational sex (incest).

* Prior experience shows that supporters of this bill say one thing to get passage then do another, revealing their true agenda.

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MICHAEL R. OELABARNE

March 26, 1991

Reverend Louis P. Sheldon,
Traditional Values Coalition

Suite 350
100 So. Anaheim Blvd.
Anaheim, CA 92805

Re: **AB101**

Dear Reverend Sheldon:

As you know from past contacts, I have been active in the legal representation of various Christian ministries in the area of employment rights. I am writing to you to briefly register my concerns about AB101 which would add sexual orientation to the protected categories under the Fair Employment and Housing Act.

In my opinion, this bill would pose grave legal concerns to Christian ministries such as schools which oppose on Biblical grounds heterosexual, bisexual or homosexual lifestyle practices which are unchaste. My reasoning is as follows:

1. There are only nine religious nonprofit tax exempt organizations in the state who have been determined to be exempt from the jurisdiction of the Department of Fair Employment and Housing ("DFEH") pursuant to the religious employer exemption of Government Code section 12926(c). Only two of these exempted organizations are educational institutions.

2. To be determined exempt, a religious nonprofit tax exempt organization has to be charged with a violation of the Fair Employment and Housing Act ("FEHA") and must raise its claim that it is not an employer subject to the Act. As you can see from the attached enforcement memorandum of the DFEH, that exemption does not just occur on the presentation of documentation of religious organizational status and tax-exemption. DFEH makes further and, in my opinion, unconstitutionally intrusive inquiry into the beliefs and practices of the organization and its board and employees.

3. Many religious organizations more concerned with mission than with organizational details may not have paid attention to the organizational prerequisites for the exemption, and may be caught unawares. For instance, I recently encountered

Reverend Louis S. .don

March 26, 1991

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a catholic college which had mistakenly organized itself as a public benefit nonprofit corporation rather than a religious nonprofit corporation, thus losing the benefits of the religious employer exemption.

4. The mechanism for obtaining exemption is in the nature of a legal defense rather than an affirmative process to establish the religious nonprofit status of the organization. I believe that the legislative history of Government Code section 12926(c) shows that if an entity was organized as a religious nonprofit corporation or association and had obtained tax-exempt status, it was to be exempt from the Act. The DFEH, however, requires further proof of religious orientation of the corporation unwilling to apply the standards of the law. Many claims of religious exemption when made as a defense are made in the harsh light of publicity such as the recent claims of the homosexual professor against Christ College in Irvine or the priest-professor at Loyola University who married without renouncing his vows. The heavy media attention creates extra burdens which leads to political pressure not to give the exemption to the claiming organization.

There are provisions under Title IX of the Federal Civil Rights Act that; allow religious colleges or universities to apply to the Secretary of Education in advance for determination that these organizations are exempt from provisions of that law due to religious objections to abortion and birth control coverage in student health plans. Religious organizations should be given a similar mechanism under the FEHA to obtain an affirmative determination of religious exemption even before any charges are made.

5. The addition of the sexual orientations of heterosexuality, bisexuality and homosexuality to the categories protected by law from discrimination while requiring religious organizations to prove their religious orientation to obtain exemption from the same law is, in effect, stating the religious practice is the aberration and that homosexuality or bisexuality are the normal standard of the law. It will open up churches and ministries to legal claims of bigotry for simply holding to one of the most traditional and basic of spiritual values -- the integrity of the heterosexual relationship within the sanctity of marriage. This is basic to Christian belief because it is the very metaphor expressing the ideal between Christ and His Church, This may be an obvious point, but it cannot be overemphasized. If this amendment is passed, member churches and ministries can expect persecution for basic beliefs.

Reverend Louis Sheldon
March 26, 1991
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I have also given some thought to my earlier comments to you about the California Supreme Court decision in ~~Reio v. Kliger~~ and U. S. Supreme Court decision in ~~Smith vs. Oregon Department of Employment~~ and their possible impact if the proposed A8101 is passed. While these decisions pose problems to churches, they really do *not* provide direct reasons for opposing this legislation, in my opinion.

I hope the information is helpful to you and may assist you in informing churches and ministries that A8101 poses a real threat to their institutions.

very truly yours,


Kent A. Hansen

KAH:lc

CC: Dr. Paul Kienel

6.1. Sheldon

JOHN WAINES
Sergeant



WARREN PRICE, III
ATTORNEY GENERAL

CORINNE E. A. WATANABE
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL

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March 19, 1991

The Honorable Gene Ward
Representative, Twenty-Second District
The Sixteenth Legislature
State of Hawaii
State Capitol, Room 415
Honolulu, Hawaii 96813

Dear Representative Ward:

Re: S.B. No. 1811, S.D. 1

This letter is in response to your written request wherein you asked for our interpretation of section 378-3 exemption (5) as it relates to S.B. No. 1811.

It is our opinion that, under the First Amendment of the United States Constitution (the separation of church and state), members of the clergy (ministers, associate ministers, pastors, etc.) are exempt from the provisions in S. B. 1811.

However, non-sectarian employees of the church, church-sponsored activities or programs are not exempt. This would include secretaries, janitors, gardeners, teachers, etc. The church may, however, give preference to hiring certain individuals based upon religion or denomination, but can not otherwise discriminate based upon race, national origin, gender, and, under S.B. No. 1811, sexual orientation.

Please call me at x6-11282 if you have any further questions on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Warren Price, III".

Warren Price, III
Attorney General

WP/SRH
wp/181811

Council opposes 'Nickel a Drink'!

By TAMMA ADAMICK
News-Sentinel staff writer

Lodi City Council members took a unanimous stance against Proposition 134 — the "Nickel a Drink Tax" — that will appear on the Nov. 6 ballot.

At their regularly scheduled Wednesday night meeting council members listened to City Attorney Bob McNatt's review of both Proposition 134 and Proposition 126, which he said, "are called the alcohol industry's response to Proposition 133."

Following McNatt's presentation, several Lodi grape growers and vintners encouraged council members to vote against Prop. 134 and in favor of Prop. 126, claiming that the "Nickel a Drink Tax" would wreak economic havoc on the city.

Mark Gabriella, vice president of wine making at Guild Winery said, "If 134 passes, we will employ fewer people and we will purchase fewer grapes."

Guild employs 190 people at its two Lodi plants and buys approximately 20,000 tons of Lodi grapes each year.

Tamara Lucas, who owns the Lucas Winery on Davis Road in Lodi said that Prop. 134 would put her winery out of business.

"I feel like we're getting slaughtered," Lucas said. "It will put small people like me out of business."

But, while Lucas encouraged council members to vote in favor of Prop. 126, she said she felt it was simply the lesser of two evils.

She said that both propositions are asking the wine industry to answer for other people's abuse of alcohol and drugs as well.

Council member David Hinchman agreed with Lucas. "The small wineries, like we have around Lodi, are going to suffer a tremendous impact."

The council did not take a stance for or against Prop. 126.

Though unable to take any action on non-agenda items, council members listened to unscheduled public comment regarding a number of oak trees that were chopped down along Victor Road.

Lodi High School teacher Barbara Graham and three of her students spoke in favor of a city ordinance to protect mature oak trees, such as those that were destroyed east of town. "The remaining two trees have not yet been cut down and all efforts should be made to stop the destruction of them," Graham said.

Council member Jim Pinkerton agreed, saying that the trees "stood on property that his ancestors had owned more than 100 years ago. It's tough to see them go," Pinkerton said.

Mayor Randy Snider read from a letter sent to the council by the Lodi Garden Section of the American Association of University Women. "The city council should work toward the goal of saving and protecting the trees."

While technically within Lodi city limits, the remaining oak trees are on a portion of land considered a state highway right-of-way.

According to Assistant City Engineer Richard Prima, the trees that were chopped down were removed by the Berndt Tree Service of Lodi under contract with the Claude C. Wood Co. to make way for a sidewalk required by the city.

Prima said the Claude C. Wood Co. did not have state permits to start work on the project

when Berndt Tree Service cut the trees down.

Council members agreed to support the remaining two oak trees and gave City Manager Tom Peterson the task of finding out what could be done to save them.

In other business, council members approved a recommendation by the Planning Commission to present the Industrial Substation as heavy industrial. The Industrial Substation, which is Lodi's largest electrical substation, is located at 1000 N. Sargent Road.

Following public comment, council members also agreed to plan Planning Commission recommendations to amend the Lodi Municipal Code regarding nonconforming buildings.

The Zoning Ordinance amendment provided relief for existing homes on South Sacramento

Street. Because of such zoning, property owners in the area were having trouble selling their homes. Lending institutions balked at providing reasonable loans to buyers because of concerns that the city would not allow the homes to be rebuilt if more than 50 percent of the home was destroyed by fire or natural disaster.

Loretta Churchill, who owns property on South Sacramento Street, said homes in that area of town provided affordable housing; yet were the most expensive homes in town because of high lending costs.

On its regular calendar, council members agreed to reallocate \$16,450 of 1990-1991 Community Development Block Grants to help fund the construction of a new kitchen for the Senior Service Agency. The countywide agency provides food for the Meals on Wheels programs, but its kitchen was condemned

Police

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Animal rights activists charged

SACRAMENTO (MNS) — Two brewing over the break-in at the Northern Californians charged University of Oregon researchers with a \$500,000 animal rights lawsuit.